

Service Date: April 6, 2000

DEPARTMENT OF PUBLIC SERVICE REGULATION
BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MONTANA

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IN THE MATTER OF a Tariff Filing)	UTILITY DIVISION
By Ronan Telephone Company Containing the)	
Rates, Terms and Conditions for Reciprocal)	DOCKET NO. D2000.1.14
Compensation Pursuant to 47 U.S.C. § 251(b)(5))	
and § 69-3-834(2)(b), MCA)	ORDER NO. 6225c

ORDER ON OBJECTIONS AND CLARIFICATION OF DOCKET

Background

Pursuant to Procedural Order 6225a in this docket intervenors Montana Consumer Counsel (MCC) and Montana Wireless, Inc. (MWI) have issued data requests to Ronan Telephone Company (RTC). RTC has objected to MCC-2 and MWI-3 and MWI-4 on the basis that they are irrelevant to any issue in this proceeding and cannot lead to admissible evidence. MCC and MWI respond that, to the extent RTC's application presents the issue of whether the reciprocal compensation rate should be detariffed, or whether reciprocal compensation threatens the financial integrity of RTC, then the data requests are relevant and should be answered.

Discussion

A ruling on RTC's objections depends on the nature of the RTC filing. The Montana Public Service Commission (Commission) clarifies that this docket involves a tariff filing by RTC to determine the rates, terms and conditions of reciprocal compensation. In Order No. 6225 the Commission directed RTC to file a tariff. On March 1, 2000 the Commission "voted to suspend the tariff and to direct its staff to issue a procedural order and set a hearing." Notice of Commission Action, March 3, 2000. In response to Order No. 6225 RTC filed an "Application for Approval of Tariff," which, simultaneously asked, pursuant to § 69-3-810, MCA, for approval of a "new detariffed service."

To the extent the Commission has not been clear, it reiterates that this docket is a contested case to determine a reciprocal compensation tariff. Despite RTC's "offer" of a reciprocal compensation service on a detariffed basis pursuant to § 69-3-810, MCA, the Commission declines to consider whether to detariff that service in this docket. This docket is, in effect, a substitute for arbitration proceedings to determine the rates, terms and conditions of

reciprocal compensation for interconnection with RTC. Turning this docket into a vehicle for determining whether the reciprocal compensation service should be detariffed would be inconsistent with the origin of the docket and the intentions of the Commission. RTC is free to file to detariff the service, after it has been first implemented as a tariff.

RTC's objections to the data requests are inconsistent with its apparent desire that this docket be simultaneously a vehicle for tariffing and detariffing. The Commission agrees with RTC that the data requests at issue are not relevant to a reciprocal compensation tariff filing. But RTC cannot have it both ways: it cannot object to data requests as beyond the scope of a tariff filing, and then insist that detariffing is also at issue, to which the data requests would be relevant. Therefore, the Commission sustains RTC's objections, with the clarification about the nature of this docket discussed above.

Conclusions of Law

1. Ronan Telephone Company is a public utility subject to the jurisdiction of the Montana Public Service Commission. §§ 69-3-101(f) and 69-3-102, MCA.
2. Ronan Telephone Company has a duty to establish reciprocal compensation arrangements with telecommunications carriers who request them. 47 U.S.C. § 251(b)(5), § 69-3-834(2)(b), MCA.
3. The data requests at issue in this order are not relevant and are beyond the scope of this docket.

Order

The objections of RTC to MCC data request 2 and MWI data requests 3 and 4, are sustained.

DONE AND DATED this 4th day of April, 2000, by a vote of 5 to 0.

BY ORDER OF THE MONTANA PUBLIC SERVICE COMMISSION

DAVE FISHER, Chair

NANCY MCCAFFREE, Vice Chair

BOB ANDERSON, Commissioner

GARY FELAND, Commissioner

BOB ROWE, Commissioner

ATTEST:

Kathlene M. Anderson
Commission Secretary

(SEAL)

NOTE: Any interested party may request the Commission to reconsider this decision. A motion to reconsider must be filed within ten (10) days. See 38.2.4806, ARM.